

## REMARKS

Claim 1 stands objected to in view of certain informality noted in the Office Communication. Claims 13-15, 18, 21-25, 27 and 29-31 stand rejected under 35 USC §103(a) as being unpatentable over US patent application publication No. 2004/0203580 (hereinafter Engelhart) in view of US patent No. 6,853,621 (hereinafter Spear). Claim 19 stands rejected under 35 USC §103(a) as being unpatentable over Engelhart in view of Spear and further in view of US patent application publication No. 2003/0182413 (hereinafter Allen). Claim 20 stands rejected under 35 USC §103(a) as being unpatentable over Engelhart in view of Spear and further in view of Allen and still further in view of US patent application publication No. 2002/0023033 (hereinafter Campbell). Applicant respectfully requests reconsideration of the rejections and objection in view of the foregoing amendments and the following remarks.

Claims 1-12, 16, 17 and 26-28 were previously canceled. Thus, claims 13-15, 18-25 and 29-31 are pending for examination.

The informality noted in the Office Communication has been corrected. Accordingly, the objection to claim 1 should be withdrawn.

### 35 U.S.C. 103 rejections

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

Claim 13 is directed to a computerized method for selecting a provider that provides a radio communication service that can be received by a mobile station via a radio access network. Claim 13 in part recites notifying a portion of the service providers of the most favorable value from the values received so that at least one of such service providers can provide a new value chosen to undercut the most favorable value. In the event the received new values of at least two service providers have identical values, said at least two service providers is each notified of the existence of said identical values so that at least one of said at least two service providers can change its own identical value to pre-empt a random selection. Independent claim 25 (directed

to a computerized device for selecting a provider for a radio communication service) has been amended similar to claim 13. Basis for the foregoing amendment may be found at least in paragraphs 19 and 20 of the US patent application publication of the present invention.

Applicant respectfully submits that Engelhart alone (or in combination with each of the applied secondary references) fails to describe or suggest the foregoing structural and/or operational relationships. Consequently, Engelhart (alone or in combination with each of the applied secondary references) is not an appropriate reference (or combination of references) for sustaining a 103 rejection of the claimed invention (including claims respectively depending from independent claims 13 and 25) under the §103 statutory requirements and thus the 103 rejections should be withdrawn.


#### Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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